IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 261 of 2003

The State of Maharashtra .. Appellant
V/s.
Prataprao Hambirrao Mohite .. Respondent

Mr. A.M. Shringarpure, APP. for the Appellant.
Mr. Rahul Kate, for the Respondent.

CORAM : V.M. KANADE, J.
DATED : 09.09.2004.

P.C.:-

1. Heard the learned Assistant Public Prosecutor appearing on behalf of the State and the learned counsel appearing on behalf of the Respondent. Appellant is challenging the order passed by the Special Judge, Satara, in Special Case No. 15 of 1999 dated 17.4.2002. The Respondent accused is charged for having committed an offence under section 7 and section 13(10)(d) and 13(2) of the Prevention of Corruption Act.

2. Prosecution case is that the accused was a Senior Surveyor in the office of City Survey and had accepted an amount of Rs. 200/- from PW. 1 Vilas Sable on 24.5.1999 and thereafter, Rs. 300/- on 17.6.1999 by way of bribe. The Trial Court after adducing the entire evidence by the prosecution has observed that PW 1 Sable has nowhere stated that the accused had demanded any amount from him. Further complainant has stated in his evidence that he felt that the accused was prolonging the matter and therefore, he was annoyed

and he filed complaint against him. The Trial Court

also has observed that on the date when the trap was arranged, the complainant had not given any signal, which was pre-arranged, then kept the money on the table of the accused. The Trial Court has further observed that though the money was found in the drawer of the accused, the other articles in the drawer were not found tainted with anthracene powder.

3. In my view, the Trial Court has given reasons while acquitting the accused on the said charge levelled against him. I do not find any reason to interfere in the said order. Leave refused. Appeal rejected.

(V.M. KANADE, J.)